

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JAQUAN LAYNE,

Plaintiff,

-against-

SGT. MARIO PANZARELLA, et al.,

Defendants.

**ORDER**

19-CV-04531 (PMH)

PHILIP M. HALPERN, United States District Judge:

The Court held an in-person final pretrial conference on June 1, 2023. Counsel for all parties appeared. At the conference, Defendants waived the affirmative defense of failure to exhaust administrative remedies.

With respect to Defendants' letter motion *in limine* (Doc. 178), the Court:

1. **Granted** the first branch of Defendants' motion and ruled that evidence of Plaintiff's possession of drugs is admissible for the limited purpose of explaining the initial take-down and pepper spraying of Plaintiff in the disciplinary area on January 19, 2019.
2. **Granted** the second branch of Defendants' motion to the extent that Factual Stipulation No. 5 of the Joint Proposed Amended Pretrial Order would be precluded. (Doc. 175-1). The Court clarified that this ruling would not preclude Plaintiff from utilizing other filings in this case.

The Court directed that the parties meet and confer and file, by **June 16, 2023 at 5:00 p.m.**, a Summary of the Case and modified Proposed Amended Joint Pretrial (Doc. 175), Joint Proposed Verdict Sheet (Doc. 174), and Joint Request to Charge Jury (Doc. 172), as indicated in the transcript.

**SO ORDERED:**

Dated: White Plains, New York  
June 2, 2023

A handwritten signature in black ink, appearing to read 'P. Halpern', is written above a horizontal line.

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PHILIP M. HALPERN  
United States District Judge